

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

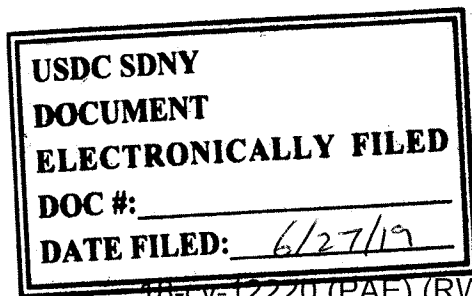
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LIJUN GENG, on behalf of himself and on
behalf of others similarly situated,

Plaintiff,

- against -

SHU HAN JU RESTAURANT II CORP, d/b/a
Hui Fu Chinese Cuisine, d/b/a Shu Han Ju, et
al.,

Defendants.
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ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court is in receipt of Plaintiffs' June 25, 2019 letter (Dkt. No. 33) requesting (1) extension of discovery through September 25, 2019 (from the existing deadline of June 25, 2019) and (2) leave to file supplemental materials in support of their motion for conditional collective certification. These applications are made following Plaintiffs' concurrent filing of an Amended Complaint, which adds two additional Defendants and five additional Plaintiffs. (Dkt. No. 31.)

Defendants responded to Plaintiffs' request on June 26, 2019. (Dkt. No. 34.) Defendants consent to the extension of discovery, as many of Plaintiffs' discovery requests relate to potential opt-in plaintiffs. However, Defendants oppose the filing of the Amended Complaint (and any supplemental filings in support of Plaintiffs' motion), arguing that Plaintiffs have not complied with Rule 15 in failing to receive Defendants' consent or the Court's approval to amend their pleadings. However, the Civil Case Management Plan, dated February 25, 2019 (Dkt. No. 16) explicitly permitted the filing of

amended pleadings through June 25, 2019. Contrary to Defendants' assertions, Plaintiffs complied with this deadline.

Accordingly, it is ORDERED:

1. The deadline for fact discovery shall be extended to September 25, 2019.
2. The Amended Complaint shall be deemed filed. Plaintiffs must effectuate service upon the two new individual Defendants Shichang Xie and Alice Li. The new Defendants will have 30 days following service to file an answer or motion in response to the Amended Complaint. The existing Defendants shall file an answer to the Amended Complaint by July 27, 2019.
3. Defendants Shichang Xie and Alice Li shall have 30 days following their appearance to file an opposition to Plaintiffs' motion for conditional collective certification, and Plaintiffs shall have 15 days to reply to any such opposition.
4. Plaintiffs may file supplemental materials in support of their pending motion for conditional collective certification by July 3, 2019. The supplemental materials may address only the extent to which, if at all, addition of the new defendants impacts the certification motion, and the existing Defendants may respond to Plaintiffs' supplemental materials by July 17, 2019.

SO ORDERED.



6/27/19

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 27, 2019
New York, New York

Copies transmitted to all counsel of record.